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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,023	02/05/2001	Hidekazu Shimizu	NAK1-BN75	2416

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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,023

Applicant(s)

SHIMIZU ET AL.

Examiner

Vivek Srivastava

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-6 and 47-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4-6 and 51-78 is/are allowed.
- 6) ☒ Claim(s) 47-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 47 – 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eda in view of Applicant's Background as applied to claim 1 above, and further in view of Inoue et al (4,015,074).

Regarding claims 47 and 48, Eda discloses a receiver with a discriminator which reads priority information which describes processing i.e. forcible display which the receiving apparatus should perform when receiving the event message (see col 9 line 50 – col 10 line 8). It is noted that the computer-readable medium is inherent in the receiving apparatus to record or store event information for priority processing in the discriminator.

Eda discloses the emergency event information includes the event message and priority information or 'tag information' to ensure priority emergency information is quickly displayed (see Abstract, col 8 lines 26 – 39, col 10 lines 3 – 65).

Eda fails to disclose (a) tag information should be extracted from a content based on the tag information (b) tag information allowing the authoring apparatus to recognize

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that the event message should be transferred to the transmission apparatus before the operator's instruction is inputted and (c) transmitted from the transmission apparatus immediately after the operator's instruction is inputted.

Regarding <c> Applicants Background also teaches an event message generation and authoring insertion system in which the event message is read out and transferred to a multiplexing unit for transmission immediately after receiving an operator's instruction to issue the event message. It would have been obvious modifying the emergency event information system of Eda to include the claimed limitation would have enabled added control as to when the operator wanted the information to be transferred. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Eda to include the claimed limitation to enable better operator control as to when the transfer the emergency event message.

Regarding (a) Official Notice is taken it would have been well known to receive event information from an external source for local insert for the benefit of minimizing storage requirements at the local source or to have a means for updating information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Eda and Applicant's background to include the claimed limitation for the benefit of minimizing storage at the authoring apparatus

Regarding , In analogous art, Inoue et al teaches system for transmitting alarm information wherein the transmission of the alarm information is performed automatically or manually in the emergency.

It would have been obvious to modify the combination of Eda and the Applicant's background to include the claimed tag information to ensure in cases of high priority emergency that tag information is transmitted automatically i.e. before the operator's instruction is inputted or manually i.e. after the operator's instruction is inputted in cases of low priority or less severe emergencies thereby providing a method of providing emergency information as fast as possible in high priority instances and which adding operator control in less severe instances. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Eda and Applicant's background to include the claimed limitation to enable providing high priority emergency information as fast as possible while also providing operator control.

Claims 49 and 50 are met by the discussions above.

Allowable Subject Matter

Claims 1, 4 - 6 and 51 – 78 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kauffman et al (5,260,778) – Distribution of messages over a network

Manson et al (6,543,051) – Emergency alert system

Wistendahl et al (6,496,981) – Converting media content for interactive use

Barger et al (5,945,986) – Sound authoring system and method

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305-4038. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
8/19/05



VIVEK SRIVASTAVA
PRIMARY EXAMINER